

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

THOMAS LAMONT DYNO,

Plaintiff,

- v -

3:01-CV-0321

The VILLAGE OF JOHNSON CITY; and
HARRY G. LEWIS, Mayor of the Village
of Johnson City,

Defendants.

APPEARANCES:

OF COUNSEL:

THOMAS LAMONT DYNO

Plaintiff Pro Se

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Johnson City, New York 13790-1519

COUGHLIN & GERHART, L.L.P.

Attorneys for Defendants

20 Hawley Street

P.O. Box 2039

Binghamton, New York 13902-2039

Todd D. Kilpatrick, Esq.

NORMAN A. MORDUE, Chief U.S. District Judge

ORDER

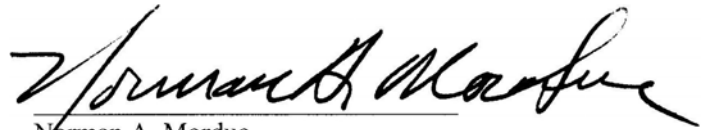
This Court having dismissed plaintiff's amended complaint by Memorandum-Decision and Order dated September 27, 2004, for failure to state any legally viable cause of action pursuant to Fed. R. Civ. P. 12(b)(6), and plaintiff having moved for relief from judgment pursuant to Fed. R. Civ. P. 60(b), and the Court having reviewed plaintiff's moving papers and having determined that plaintiff failed to identify the specific provision of Fed. R. Civ. P. under which he seeks relief; and the Court having further concluded that plaintiff's moving papers do not otherwise demonstrate mistake, inadvertence, excusable neglect, newly discovered evidence, or fraud were factors affecting this Court's award of final judgment to defendants herein; and the

Court having further concluded that the final judgment in question is neither void nor inequitable; and the Court having further concluded that plaintiff's moving papers fail to demonstrate extraordinary circumstances warranting relief from judgment, it is hereby

ORDERED that plaintiff's motion for relief from judgment pursuant to Fed. R. Civ. P. 60(b) is hereby DENIED.

IT IS SO ORDERED.

Dated: October 13, 2006
Syracuse, New York

A handwritten signature in black ink, appearing to read "Norman A. Mordue", written over a horizontal line.

Norman A. Mordue
Chief United States District Court Judge